REMARKS

In view of the following discussion, the Applicants submit that none of the claims now pending in the application is made obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of the presented claims are now in allowable form.

I. REJECTION OF CLAIMS 1-36 UNDER 35 U.S.C. § 103

The Examiner rejected claims 1-36 under 35 U.S.C. §103(a) as being unpatentable over the Riddle patent (U.S. Patent No. 6,175,856, issued January 16, 2001, hereinafter "Riddle") in view of the Kenner et al. patent (U.S. Patent No. 6,421,726, issued July 16, 2002, hereinafter "Kenner"). The Applicants respectfully traverse the rejection.

Riddle teaches a method for configuring teleconferencing applications. Specifically, before data is requested or transmitted by or to a receiver, the sender configures the teleconference call by requesting from the receiver a list of specific codecs available to the receiver for decompressing data. The sender then determines, based on the received list, specific codecs available to the sender for compressing data, and desired capabilities or qualities of the available codecs, which codec or codecs will be used during teleconferencing to transmit compressed data to the receiver. Riddle does not teach, show or suggest, however, that the receiver may provide a list of available codecs, unsolicited, to the sender, for example as part of a request for specific data.

Kenner teaches a method for selecting and retrieving various types of video data from distributed delivery sites (*e.g.*, "mirror" sites of an original Web site). Specifically, Kenner teaches that a plurality of "smart" mirror sites is deployed to distribute popular Web content throughout the Internet. Users requesting data (*e.g.*, a video clip) from a site for which smart mirror sites exist are directed to those smart mirror sites that can best serve the request. The smart mirror sites may store a video clip in a variety of compression formats and include capabilities for querying a user for compression schemes that are available to the user for decompression of the video clip. Like Riddle, however, Kenner does not teach, show or suggest that the user may provide a list of

available codecs, unsolicited, to the smart mirror site, for example as part of a request for a specific video clip.

The Examiner's attention is directed to the fact that Riddle and Kenner, singly and in combination, fail to disclose or suggest the novel method of delivering data from a server to a client based on a client-initiated communication that includes both a data request and a list of codecs available to the client for decompressing the requested data, as claimed in Applicants' independent claims 1, 14 and 26. Specifically, Applicants' claims 1, 14 and 26 positively recite:

1. A method for efficiently delivering copies of a customer's electronic file across a client-server computer network, comprising:
hosting copies of the customer's file at a plurality of servers as a component of a service;
compressing the file using a compression codec as a further component of the service;
receiving, by a selected one of the servers, a network request for the file from a requesting client, the request specifying a list of recognized file encoding schemes identifying the compression codec; and
responding to the network request by transmitting the compressed file over the network from the selected server to the requesting client. (Emphasis added)

14. A method for transmitting compressed data from a hosting server to a requesting client across a computer network, comprising:
receiving a network request from the client for a file, the request specifying a list of acceptable encoding schemes;
dynamically compressing the file using a substantially lossless compression codec, in response to the network request, the compression codec being one of the acceptable encoding schemes; and
transmitting the compressed file from the hosting server to the client via the network in fulfillment of the request. (Emphasis added)

26. A system for transmitting compressed data to a requesting client across a computer network, the system comprising:
a proxy server, operable to receive a network request from the client, the network request requesting a file and specifying a list of acceptable encoding schemes and, in response to said request, to generate a modified request for a version of the file that is compressed in accordance with a substantially lossless compression codec, the compression codec being one of the acceptable encoding schemes;
a hosting server, being configured to transmit, in response to the modified

request, the compressed version of the file to the client via the network in fulfillment of the request. (Emphasis added)

Applicants' invention is directed to a method and apparatus for transmitting compressed data transparently over a client-server network, *e.g.*, the World Wide Web. Data sent from a web server to a requesting client is often compressed to reduce bandwidth consumption and improve traffic throughput and speed. However, because various compression formats requiring specific utilities for compression (*e.g.*, by the server) and decompression (*e.g.*, by the requesting client) exist, it is often difficult to match a requesting client with a particular data file that is compressed in a format that the requesting client is capable of decompressing. Thus, a client may receive the requested file but have no way to decompress the file for use.

The present invention provides a method and apparatus for transmitting compressed data transparently over a client-server network in which a client data request dictates a list of possible codecs to be used in compressing and decompressing the data. In one embodiment, the client sends a request for data to a server, *e.g.*, in accordance with Hypertext Transfer Protocol (HTTP) or other known file transfer protocols. In addition to the requested data, the data request also includes (*e.g.*, in an "accept-encoding" parameter) a list of compression schemes for which the client has access to a decompression routine. Thus, when the server responds with the requested data, the requested data will be automatically compressed in a format that the client is capable of decompressing immediately upon receipt. The Applicants' invention thereby exploits known file transfer protocols in a novel manner by including a list of acceptable compression schemes for requested data within the actual data request. This eliminates a need to negotiate compression schemes prior to initiating a data transfer and makes it possible for the server to quickly and efficiently serve a plurality of clients having access to various different decompression utilities.

In contrast, Riddle and Kenner both teach methods in which a data compression scheme is negotiated independently of a data request, and at the initiation of the server. Thus, Riddle and Kenner, singly and in combination, fail to anticipate or make obvious

Applicants' invention.

Specifically, Riddle teaches that a list of available codecs is solicited by the server, and that this negotiation takes place in the initial setup of a teleconference application, *i.e.*, in a communication that is independent of and occurs prior to initiation of any specific data request (*See, e.g.*, Riddle, column 9, lines 6-12: "The list of decompressors is provided in response to a request ... initiated by a processor (server) that may transmit compressed data ...". Emphasis added). Kenner, likewise, teaches that the server actively solicits a list of available codecs in a communication that is independent of a client data request (*See, e.g.*, Kenner, column 7, lines 13-27 and 32-35: "The Web page (server) also contains an embedded software program for querying the user terminal (client) to determine what CODECs are installed at the terminal". Emphasis added). Riddle and Kenner thus fails to teach or make obvious a method for delivering data from a server to a client based on a client-initiated communication including both a data request and a list of codecs available to the client for decompressing the requested data, as positively claimed by the Applicants in amended claims 1, 14 and 26.

The Examiner submits in the Final Office Action that Riddle does, in fact, teach the limitation of delivering data from a sender to a receiver based on a receiver-initiated communication that includes both a data request and a list of codecs available to the receiver for decompressing the requested data. In support of this contention, the Examiner cites to several passages of Riddle that allegedly teach this limitation. However, the Applicants respectfully disagree with the Examiner's interpretation of Riddle, particularly as it relates to the cited passages, and maintain that Riddle fails to teach or suggest the limitation in question.

For example, the Examiner alleges that the limitation in question is taught by Riddle at column 7, line 61 – column 8, line 2. The Applicants respectfully submit, however, that this passage of Riddle fails to teach or suggest a receiver-initiated communication that contains both a data request and a list of potential codecs that the receiver may use to decompress the requested data. In fact, this passage of Riddle clearly indicates that data requests and codec negotiations comprise two separate steps

in the teleconferencing process, where the codec negotiation must take place before any data requests can be satisfied. The initial codec negotiation process, which is in some embodiments quite complex, is intended to make subsequent fulfillment of data requests more efficient (*See*, Riddle at column 7, lines 54-58: "... the consequent increase in available data rate made possible by an appropriate matching of compressors with decompressors generally makes up for an added complexity in the initiation messages.").

Moreover, it is not clear from this passage which party initiates the codec negotiation. In fact, the only instances in which Riddle explicitly identifies which party initiates a codec negotiation indicate that it is the sender, and not the receiver, that initiates this process (*See*, for example, Riddle at column 19, line 54-column 20, line 7: "According to a typical implementation of the present invention, the sending system ... will generate a request message ... The request is received by the receiving system and the sending code decodes the request and in response generates information specifying the available decompressors on the receiver system ...". Emphasis added).

Column 8, lines 38-41 of Riddle, as cited by the Examiner, teaches that a processor that will transmit data in accordance with a teleconferencing application (*e.g.*, a sender) first determines and ranks a list of compression schemes that may be used to compress the data to be transmitted. The cited passage says nothing about a receiver of data specifying, in a data request, a list of codecs that are available for decompressing the requested data once received.

Column 8, lines 58-61 of Riddle, as cited by the Examiner, teaches that a sender determines a list of decompression schemes that are available to intended recipients of the data to be transmitted. However, the passage does not specify how the available decompression schemes are identified. Moreover, though the passage does say that this determination may be made in parallel with a determination as to which compression schemes are available at the sender, no mention is made of making this determination in parallel with the processing of a data request (*e.g.*, where the data request is received simultaneously with the list of available decompression schemes from an intended recipient, as claimed by the Applicants).

Column 9, lines 1-4 of Riddle, as cited by the Examiner, simply identify instances in which a codec negotiation between a sender and a receiver can take place (*e.g.*, once the addresses of the respective parties become known to each other, during the initiation of a teleconference, upon the joining of a new sender or receiver, etc.). However, the passage does not specify which party initiates the codec negotiation and does not teach or suggest that any part of the codec negotiation (*e.g.*, the sending of a list of available decompression schemes) may take place simultaneously with the sending or processing of a data request.

Finally, column 9, lines 40-55 of Riddle, as cited by the Examiner, teaches that the codec negotiation may be part of a larger exchange of teleconferencing capabilities between a sender and a receiver. However, conveying teleconferencing capabilities is not the same as requesting data, and this passage does not specify which party initiates the exchange of teleconferencing capabilities and/or the codec negotiation.

In sum, none of the passages of Riddle cited by the Examiner teach or suggest the limitation of including a list of available codecs or decompression schemes with a data request in a client-initiated communication, as claimed by the Applicants in independent claims 1, 14 and 26. Nor does the remainder of Riddle, singly or in combination with Kenner, teach this limitation. Thus, the Applicants respectfully disagree with the Examiner's interpretation of the art and submit that independent claims 1, 14 and 26 are not made obvious by the teachings of Riddle in view of Kenner.

Moreover, there is no suggestion or motivation to combine Riddle and Kenner in a manner that would yield the claimed invention. As described above, Riddle teaches a method for configuring a teleconference between a plurality of computers. Kenner, on the other hand, teaches a method for distributing content over the Internet. It does not follow that a person looking to improve teleconferencing applications would look to a method for distributing content over the Internet. Likewise, a person seeking to improve Web content distribution methods would not be likely to look to teleconferencing art. Thus, the Applicants respectfully submit that the Examiner is using hindsight to pick and choose elements from the references to support the rejection.

It is impermissible to use the claims as a framework from which to choose among

individual references to recreate the claimed invention. *W. L. Gore Associates, Inc. v. Garlock, Inc.*, 220 U.S.P.Q. 303, 312 (1983). Moreover, the mere fact that a prior art structure could be modified to produce the claimed invention would not have made the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*, 23 U.S.P.Q. 2d 1780, 1783, Fed. Cir. (1992); *In re Gordon*, 221 U.S.P.Q. 1125, 1127, Fed. Cir. (1984) (emphasis added). The rules applicable for combining references provide that there must be a suggestion from within the references to make the combination. *Uniroyal v. Rudkin-Wiley*, 5 U.S.P.Q. 2d 1434, 1438 (Fed. Cir. 1988); *In re Fine*, 5 U.S.P.Q. 2d at 1599 (emphasis added). Therefore, the teleconferencing teachings of Riddle do not provide any justification for combination with the mirror methods of Kenner. Therefore, the Applicants submit that independent claims 1, 14 and 26 are not made obvious by the teachings of Riddle in view of Kenner.

Dependent claims 2-13, 15-25, and 27-36 depend respectively from claims 1, 14 and 26, and recite additional features therefore. As such, and for at least same reasons set forth above, the Applicants submit that claims 2-13, 15-25, and 27-36 are not made obvious by the teachings of Riddle in view of Kenner. Therefore, the Applicants submit that dependent claims 2-13, 15-25, and 27-36 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

II. CONCLUSION

Thus, the Applicants submit that all of the presented claims now fully satisfy the requirements of 35 U.S.C. §103. Consequently, the Applicants believe that all of these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

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Respectfully submitted,

7/6/05
Date

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